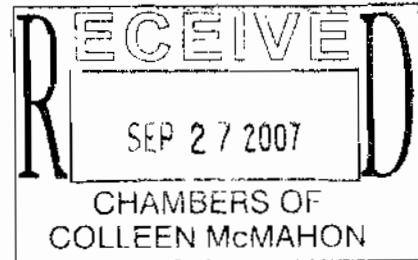


## LAW OFFICES OF CHRISTOPHER SERBAGI

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## MEMO ENDORSED

September 27, 2007

Via Facsimile  
Honorable Colleen McMahon  
United States District Court  
300 Quarropas Street  
White Plains, New York 10601

9/28/07 Plaintiff granted

Re: Shaw Family Archives, Ltd. et al. v. CMG Worldwide, Inc. et al.  
Index. No. 05 CV 3939

Dear Judge McMahon:

I represent the Plaintiffs in the above-entitled matter. I write to respectfully request an additional three week extension to respond to Defendants' motion to dismiss the Second Amended Complaint. Defendant MMUJ.C has consented to this request. I have not been able to reach counsel for CMG. If the Court grants this request, Plaintiffs' opposition will be due on October 23, 2007. As set forth below, the reason for this request is that Plaintiffs intend to amend their Second Amended Complaint in a manner that will clarify the issues that remain for trial and we would also like the additional time to discuss settlement with Defendants' new counsel prior to engaging in additional and expensive briefing practice.

Defendants filed their motion to dismiss Plaintiffs' Second Amended Complaint on September 4, 2007. By letter dated September 13, 2007, Plaintiff's requested an extension of time to respond to Defendants' motion to dismiss until October 2, 2007. On September 17, 2007, the Court granted the Plaintiffs' request. The reason Plaintiffs would like an additional extension is because Plaintiffs have requested that Judge Fox extend the time for Plaintiffs to amend their Second Amended Complaint, both to drop certain causes of action, add one cause of action, and to clarify the existing causes of action. It would make no sense for the Plaintiffs to draft a detailed opposition to Defendants' motion to dismiss if Judge Fox permits the amendment we have requested. We believe this amendment will save judicial time and resources during the briefing process on Defendants' motion to dismiss, which is currently pending.

The extension would also provide the parties time to discuss these issues and other pending issues with Defendants' new counsel. One of the issues Plaintiffs would like to discuss is whether this case can be resolved on amicable terms, now that the primary issues have been resolved. Plaintiffs have already expressed a desire to settle with former counsel for the Defendants, but they were unsuccessful in convincing their clients to settle on reasonable terms.

**CHRISTOPHER SERBAGI, ESQ.**

I am hopeful that Defendants' new counsel will have better success in convincing their clients to cease this vexatious litigation and to reach amicable settlement terms. The additional time we have requested to postpone the briefing process will allow the parties breathing room to explore that possibility.

Respectfully Submitted,



Christopher Serbagi

cc: Orin Snyder, Esq. (via facsimile)  
Paula K. Colbath, Esq. (via facsimile)  
Ted J. Minch (via facsimile)

## LAW OFFICES OF CHRISTOPHER SERBAGI

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**FACSIMILE TRANSMITTAL SHEET**

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TO	FROM
Hon. Colleen McMahon United States District Judge	Christopher Serbagi, Esq.
COMPANY	DATE
	September 27, 2007
FAX NUMBER	TOTAL NO. OF PAGES INCLUDING COVER
212-805-6326	3
PHONE NUMBER	SENDER'S REFERENCE NUMBER
RE:	YOUR REFERENCE NUMBER
Letter attached	

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URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

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NOTES/COMMENTS: